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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

In re

CONNECTIX CORPORATION,

Debtor.

EOP-PENINSULA OFFICE PARK, L.L.C.,

Appellant,

vs.

CONNECTIX CORPORATION, et al.,

Appellees.

Case No. C-07-03192 RMW

Chapter 7

USBC Case No. 05-55648-MM7

**STIPULATION TO SUPPLEMENT  
DESIGNATION OF RECORD AND  
RECORD ON APPEAL**

Appeal Filed: May 17, 2007

1 This Stipulation to Supplement Designation of Record and Record on Appeal (the  
 2 "Stipulation") is entered into by and between Appellant EOP-Peninsula Office Park, L.L.C.  
 3 ("Appellant"), Debtor Connectix Corporation (the "Debtor") and Carol Wu, chapter 7 trustee for  
 4 the Debtor's bankruptcy estate (the "Trustee"), by and through their counsel of record, with regard  
 5 to the following:

### 6 **RECITALS**

7 A. Federal Rule of Appellate Procedure Rule 10(e) authorizes the parties to stipulate  
 8 to amend the record on appeal to include any material omitted from the record on appeal "by error  
 9 or accident."<sup>1</sup>

10 B. The record before the Bankruptcy Court below included the schedules and  
 11 statement of financial affairs filed by the Debtor.

12 C. Appellant inadvertently failed to include the Debtor's schedules and statement of  
 13 financial affairs in its Designation of Record on Appeal filed on May 29, 2007 (the "Designation  
 14 of Record").

### 15 **STIPULATION**

16 WHEREFORE, Appellant, the Debtor and the Trustee, by and through their counsel of  
 17 record, hereby agree and stipulate to the following:

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26 <sup>1</sup> Both the Federal Bankruptcy Rules and the Local Rules of this Court are silent concerning the  
 27 procedure for modifying the record on appeal. In the absence of any express procedure to  
 28 address a particular matter on a bankruptcy appeal, Local District Court Rule 16-4 provides  
 that this court may adopt, among other rules, the Federal Rules of Appellate Procedure or the  
 Rules of the United States Bankruptcy Appellate Panel. Appellant respectfully requests that  
 the Court adopt Fed. R. App. P. Rule 10(e) for purposes of amending the appellate record.

1. The Designation of Record is hereby amended to add the following documents<sup>2</sup>:

<b><u>DOCKET NUMBER</u></b>	<b><u>DATE FILED</u></b>	<b><u>DOCUMENT</u></b>
14	09/27/2005	SUMMARY OF SCHEDULES
15	09/27/2005	SCHEDULES A-J
16	09/27/2005	STATEMENT OF FINANCIAL AFFAIRS

2. This Stipulation may be executed in one or more counterparts, each of which shall be deemed an original, but also which together shall constitute one and the same instrument.

Signatures transmitted by fax or e-mail will be treated as original signatures.

**AGREED TO AND ACCEPTED BY:**

Dated: October 17, 2008

Respectfully submitted

ALLEN MATKINS LECK GAMBLE  
MALLORY & NATSIS LLP

By: /S/ MICHAEL S. GREGER

MICHAEL S. GREGER  
Attorneys for Appellant  
EOP-Peninsula Office Park, L.L.C.

[SIGNATURES CONTINUED]

<sup>2</sup> The documents are attached hereto as Exhibits "1," "2," and "3," respectively, and shall be part of the record on appeal.

1 Dated: October \_\_\_\_, 2008

STROMSHEIM & ASSOCIATES  
a Professional Corporation

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By: **SEE ATTACHED EXHIBIT "4"**

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LINDA SORENSEN  
Attorneys for Appellee/Chapter 7 Trustee  
Carol Wu

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6 Dated: October \_\_\_\_, 2008

LAW OFFICES OF JAMES A. TIEMSTRA

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By: **SEE ATTACHED EXHIBIT "5"**

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JAMES A. TIEMSTRA  
Attorneys for Appellee/Debtor  
Connectix Corporation

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**PROOF OF SERVICE BY MAIL**

STATE OF CALIFORNIA                     )  
   ) ss.:  
 COUNTY OF ORANGE                     )

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 1900 Main Street, Fifth Floor, Irvine, California 92614-7321.

On October 17, 2007, I served on interested parties in said action the within:

**STIPULATION TO SUPPLEMENT DESIGNATION OF RECORD AND RECORD ON APPEAL**

by placing a true copy thereof in sealed envelope(s) addressed as stated on the attached mailing list and causing such envelope(s) to be deposited in the U.S. Mail at Irvine, California.

I am readily familiar with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury that I am employed in the office of a member of the bar of this Court at whose direction the service was made and that the foregoing is true and correct.

Executed on October 17, 2007, at Irvine, California.

\_\_\_\_\_  
 Kim Rodriguez  
 (Type or print name)

\_\_\_\_\_  
 /S/ KIM RODRIGUEZ  
 (Signature)

1 In re Connectix Corporation  
USBC Case No. 05-55648-MM7  
2 EOP-Peninsula Office Park, L.L.C. vs. Connectix Corp.  
USDC Case No. C-07-03192 RMW

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